

DOCKET FILE COPY ORIGINAL

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

RECEIVED

DEC 20 1999
FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
) CC Docket No. 99-301
Local Competition and Broadband Reporting)

**REPLY COMMENTS
OF THE
UNITED STATES TELECOM ASSOCIATION**

The United States Telecom Association¹ ("USTA") hereby files its reply comments in response to comments filed pursuant to the Commission's Notice of Proposed Rulemaking ("NPRM") in the above-referenced proceeding. The comments filed reflect a broad range of opinion regarding the scope of the reporting obligation that the Commission should enforce. What is clear is that the Commission's reporting obligations must ensure regulatory parity. ILECs should not be singled out to provide a broad range of information while other providers of telecommunications services have little or no reporting obligations. USTA opposes any attempt to impose mandatory reporting obligations only on ILECs, while IXCs², CLECs³ and others

¹ The trade association formally known as the United States Telephone Association.

² AT&T Comments at 2 ("Rather than an open-ended local competition reporting requirement, AT&T believes the public interest would be better served if the Commission seeks competitive information only when it needs such data to complete a specific task, such as a review of a Section 271 petition.").

³ CompTel Comments at 9 ("urges the Commission to experiment with alternative, voluntary reporting formats").

**USTA REPLY COMMENTS
CC DOCKET NO. 99-301
DECEMBER 20, 1999**

No. of Copies rec'd
List ABCDE

846

would have limited filing obligations. The Commission should either adopt reporting obligations that apply equally to carriers providing telecommunications services or not adopt any mandatory reporting obligations within the reporting thresholds proposed by the Commission.

PCIA argues that the Commission “should reach out to small and rural carriers, by mail or phone, encourage their participation, and explain why this data collection program is important.”⁴ In addition, PCIA recommends that the Commission “create a shortened form for small and rural carriers and make the reporting requirement voluntary.”⁵ Conversely, PCIA argues that the proposed 1,000 subscriber or full broadband lines threshold should be raised to “at least 50,000 full broadband service lines.”⁶ PCIA argues that the “Commission must recognize that the proposed reporting requirement is a significant burden for small, start up fixed wireless carriers. Rather than devoting their full attention to the deployment of their service, the Commission is asking wireless carriers to spend a considerable amount of time filling out forms so that the government can simply monitor their progress.”⁷

USTA opposes the position taken by PCIA that would impose reporting obligations on small and rural carriers below the 50,000 access line or channels, or subscriber threshold while raising the broadband reporting threshold. As USTA stated in its comments “USTA urges the Commission not to impose filing requirements on small, rural and midsize ILECs who should

⁴ PCIA Comments at 5.

⁵ *Id.* at 5.

⁶ *Id.*

⁷ *Id.*

not bear the financial and administrative costs of responding to a Commission inquiry, particularly where there is no competition. Clearly, “[t]he cost and administrative burdens that the Commission’s proposed reporting requirements would place on these companies are not supported by overriding public policy reasons”⁸

A number of parties raised concerns about the need to protect competitively sensitive information from disclosure.⁹ Carriers should not be placed in the position of having to divulge competitively sensitive data. The Commission’s rules on protecting proprietary information should be applied to ensure that carriers can provide this information to the Commission, while also providing a redacted public version of the filing.¹⁰

There is also a wide variety of comments on when the Commission’s reporting obligations should sunset.¹¹ Section 11 of the Act makes clear that the Commission must review whether it should continue to enforce a particular regulatory requirement biennially.¹² Thus, at a minimum, the Commission cannot impose more than a two year reporting obligation on carriers

⁸ USTA Comments at 4.

⁹ *See, e.g.*, Bell Atlantic Mobile Comments at 5-6; CompTel Comments at 2.

¹⁰ SBC Comments at 9 (“SBC generally has no objection ... to filing a proprietary and redacted version of the data to accommodate the Commission’s desire to make public much of the collected information.”).

¹¹ *See, e.g.*, PCIA Comments at 11 (sunset after two years); BellSouth Comments at 6 (sunset after five years).

¹² 47 U.S.C. §161.

before it must review whether that requirement should continue.¹³ Congress made clear its intent that the Commission conduct such a review on a biennial basis.

Respectfully submitted,

UNITED STATES TELECOM ASSOCIATION

/s/ Keith Townsend

Date: December 20, 1999

By:

Lawrence E. Sarjeant

Linda Kent

Keith Townsend

John W. Hunter

Julie E. Rones

1401 H Street, NW

Suite 600

Washington, D.C. 20005

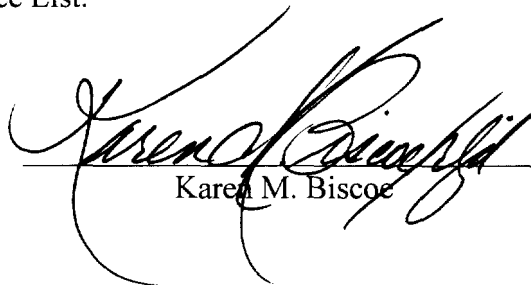
(202) 326-7371

Its Attorney

¹³ USTA Comments at 6.

CERTIFICATE OF SERVICE

On this 20th Day of December 1999, I, Karen M. Biscoe, hereby certify that the forgoing Reply Comments of the United States Telecom Association in Docket CC 99-301, has been served upon the parties listed in the attached Service List.



Karen M. Biscoe

**Robert W. McCausland
Robert E. Kelly
Allegiance Telecom, Inc.
1100 15th Street, N.W., Suite 200
Washington, DC 20005**

**Eric E. Breisach
Christopher C. Cinnamon
Lisa Chandler Cordell
Blenstock & Clark
5360 Holiday Terrace
Kalamazoo, MI 49009**

**Arthur H. Stuenkel
Arkansas Public Service Commission
1000 Center Street
P.O. Box 400
Little Rock, AR 72203-0400**

**Jonathan Askin, VP - Law
Emily M. Williams, Senior Attorney
Association for Local Telecommunications Services
888 17th Street, N.W.
Washington, DC 20006**

**Mark C. Rosenblum
Stephen C. Garavito
James W. Grudus
AT&T Corp.
295 North Maple Avenue, Rm. 1135L2
Basking Ridge, NJ 07920**

**M. Robert Sutherland
BellSouth Corporation
1155 Peachtree Street, N.E.
Suite 1700
Atlanta, GA 30306-3610**

**Lawrence W. Katz
Donna M. Epps
1320 North Court House Road
Eighth Floor
Arlington, VA 22201**

**John T. Scott, III
Crowell & Moring, LLP
1001 Pennsylvania Avenue, N.W.
Washington, DC 20004**

**Carol Ann Bischoff
Jonathan D. Lee
The Competitive Telecommunications Association
1900 M Street, N.W., Suite 800
Washington, DC 20036**

**Michael J. Shortley, III
Senior Attorney and Director Regulatory Services
Frontier Communications
180 South Clinton Avenue
Rochester, NY 14646**

**Michael J. Ettner
George N. Barclay
General Services Administration
1800 F Street, N.W., Room 4002
Washington, DC 20405**

**Susan M. Eid, Vice President, Federal Relations
Tina S. Pyle, Executive Director for Public Policy
Richard A. Karre, Senior Attorney
MediaOne Group Inc.
1919 Pennsylvania Avenue, N.W., Suite 610
Washington, DC 20006**

**Daniel L. Brener
Neal M. Goldberg
David Nicoll
National Cable Television Association
1724 Massachusetts Avenue
Washington, DC 20036-1969**

**Laura L. Holloway
Director - Government Affairs
Nextel Communications, Inc.
2001 Edmund Halley Drive
Reston, VA 20191**

Benjamin H. Dickens, Jr.
Michael B. Adams, Jr.
Blooston, Mordkofsky, Jackson & Dickens
2120 L Street, N.W.
Washington, DC 20037

Randall B. Lowe, Chief Legal Officer
Julie A. Kaminski, Deputy Chief Counsel-Telecom
Renee R. Crittendon, Deputy Chief Counsel-Telecom
Prism Communications Services, Inc.
1667 K Street, N.W., Suite 200
Washington, DC 20006

Alfred G. Richter, Jr.
Rober K. Toppins
Mark P. Royer
SBC Communications, Inc.
One Bell Plaza, Room 3024
Dallas, TX 75202

Laurence E. Harris
David S. Turetsky
Terri B. Natoli
Carolyn K. Stup
Teligent, Inc.
8065 Leesburg Pike, Suite 400
Vienna, VA 22182

Philip L. Verveer
Gunnar D. Halley
Willie Farr & Gallagher
Three Lafayette Centre
1155 21st Street, N.W.
Washington, DC 20036

Charles C. Hunter
Catherine M. Hannan
Hunter Communications Law Group
TRA
1620 I Street, N.W., Suite 701
Washington, DC 20006

Thomas R. Parker
GTE Service Corporation
600 Hidden Ridge, HQE03J43
P.O. Box 152092
Irving, TX 75015-2092

Gail L. Polivy
GTE Service Corporation
1850 M Street, N.W., Suite 1200
Washington, DC 20036

Michael Olsen
Northpoint Communicatins, Inc.
222 Sutter Street, 7th Floor
San Francisco, CA 94108

Ruth Milkman
Valerie Yates
Lawler Metzger & Milkman, LLC
1909 K Street, N.W., Suite 820
Washington, DC 20006

Margot Smiley Humphrey
Koteen & Naftalin, L.L.P.
1150 Connecticut Avenue, N.W.
Suite 1000
Washington, DC 20036

L. Marie Malloy
Jill Canfield
National Telephone Cooperative Association
4121 Wilson Boulevard, 10th Floor
Arlington, VA 22203

Chairman William E. Kennard
Federal Communications Commission
445 12th Street, S.W., Room 8-B201
Washington, DC 20554

Magalie Roman Salas, Secretary
Federal Communications Commission
445 12th Street, S.W., TW-A325
Washington, DC 20554

**Commissioner Gloria Tristani
Federal Communications Commission
445 12th Street, S.W., Room 8-C302
Washington, DC 20554**

**Commissioner Michael Powell
Federal Communications Commission
445 12th Street, S.W., Room 8-A204
Washington, DC 20554**

**Commissioner Susan Ness
Federal Communications Commission
445 12th Street, S.W., Room 8-B115
Washington, DC 20554**

**Commissioner Harold W. Furchgott-Roth
Federal Communications Commission
445 12th Street, S.W., Room 8-A302
Washington, DC 20554**

**International Transcription Service
445 12th Street, S.W., Room CY-B400
Washington, DC 20554**

**OPASTCO
Stuart Polikoff
Stephen Pastorkovich
21 Dupont Circle, NW, Suite 700
Washington, DC 20036**

**Alfred G. Richter, Jr.
Roger K. Toppins
Mark P. Royer
One Bell Plaza, Room 3024
Dallas, TX 75202**

**Leon M. Kestenbaum
Jay C. Keithley
Norina T. Moy
Sprint Corporation
1850 M St., NW, Suite 1110
Washington, DC 20036**

**Telec Consulting Resources, Inc., President
909 N. 96th Street, Suite 3
Omaha, NE 68114**

**L. Vincent Williams
Deputy Attorney General
Office of the Attorney General
State of Tennessee
425 5th Avenue North
Nashville, TN 37243**

**Vincent C. DeGarlais
1020 19th Street, N.W.
(U S West Communications, Inc.)
Washington, DC 20036**

**Charles C. Hunter
Catherine M. Hannan
Hunter Communications Law Group
1620 I Street, N.W., Suite 701
Washington, DC 20006**

**R. Gerard Salemm
NEXTLINK Communications, Inc.
1730 Rhode Island Ave., NW, Suite 1000
Washington, DC 20036**

**L. Marie Guillory
Jill Canfield
Attorneys for NTCA
4121 Wilson Blvd., 10th Floor
Arlington, VA 22203**

Benjamin H. Dickens, Jr.
Michael B. Adams, Jr.
Blooston, Mordkofsky, Jackson & Dickens
Attorneys for Omnipoint Communications, Inc.
2120 L Street, N.W.
Washington, DC 20037

Mary McDermott
Brent H. Weingardt
Todd B. Lantor
PCIA
500 Montgomery St., Ste. 700
Alexandria, VA 22314

Patrick J. Donovan
Jeanne W. Stockman
Counsel for Winstar
Swidler Berlin Shereff Friedman, LLP
3000 K Street, NW, Suite 300
Washington, DC 20007-5116